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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,303

08/26/2003

Kiyotaka Ohara

116528

3669

25944 7590 10/16/2008  
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EXAMINER

POPOVICI, DOV

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,303	OHARA, KIYOTAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dov Popovici	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-16, 23 and 26 is/are allowed.
- 6) ☒ Claim(s) 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Davidson, Jr. et al. (U.S. 5,636,333).

As to claim 25, Davidson, Jr. et al. discloses a printer (see figure 1), comprising: an interface (11) to connect with a network (12); and an information output system that outputs printing protocols (16, 17, 18, 19) which said printer supports through said interface (11) according to predetermined priority levels concerning the printing protocols (see column 2, lines 30-60). Davidson discloses that one of the protocols may have access to the printer at any one time. This access is called capturing the printer (which reads on: predetermined priority levels) (see col. 1, lines 40-45).

### ***Allowable Subject Matter***

Claims 1-9, 11-16, 23 and 26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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The closest prior art of record, namely, Sasaki (U.S. 5,228,118), Watanabe (U.S. 6,611,350) and/or Davidson, Jr. et al. (U.S. 5,636,333) do not disclose, teach or suggest, wherein the determining step includes comparing printing protocols which the terminal device supports with a printing protocol contained in the received information, the receiving step is repeated until the printing protocol contained in the received information coincides with one of the printing protocols which the terminal device supports, and the printing protocol which is firstly identified to be consistent with the one of the printing protocols which the terminal device supports is used to connect the terminal device to the target printer, as claimed in independent claim 1.

The closest prior art of record, namely, Sasaki (U.S. 5,228,118), Watanabe (U.S. 6,611,350) and/or Davidson, Jr. et al. (U.S. 5,636,333) do not disclose, teach or suggest, wherein the determining step includes comparing printing protocols which the terminal device supports with a printing protocol contained in the received information, the receiving step is repeated until the printing protocol contained in the received information coincides with one of the printing protocols which the terminal device supports, and the printing protocol which is firstly identified to be consistent with the one of the printing protocols which the terminal device supports is used to connect the terminal device to the target printer, as recited in independent claim 23.

The closest prior art of record, namely, Sasaki (U.S. 5,228,118), Watanabe (U.S. 6,611,350) and/or Davidson, Jr. et al. (U.S. 5,636,333) do not disclose, teach or

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suggest, a connection control system that receives information regarding printing protocols from an external device on the network, and compares printing protocols which said terminal device supports with a printing protocol contained in the received information, wherein said connection control system repeats said receiving and said comparing until the printing protocol contained in received information coincides with one of the printing protocols which said terminal device supports, wherein said connection control system uses a printing protocol which firstly identified to be consistent with one of the printing protocols which said terminal device supports so as to connect said terminal device to a target printer, as claimed in independent claim 26.

### ***Response to Arguments***

Applicant's arguments filed 6/20/2008 have been fully considered but they are not persuasive.

Applicant argues that the priority disclosed in Davidson concerns the priority between printer status information and not the priority between printing protocols or printer outputs priority levels as part of the information sent to the terminal device. The argument has been fully considered, but is not found to be persuasive because Davidson, Jr. et al. discloses that any protocol can communicate priority information to the printer and receive a priority reply (see abstract). Furthermore, Davidson discloses that one of the protocols may have access to the printer at any one time. This access is

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called capturing the printer (reads on: predetermined priority levels) (see col. 1, lines 40-45).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., printer outputs priority levels as part of the information sent to the terminal device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dov Popovici  
Primary Examiner  
Art Unit 2625

/Dov Popovici/  
Primary Examiner, Art Unit 2625